

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PULLEN SEEDS AND SOIL, on behalf of itself and all others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-599-SLR
)	
MONSANTO COMPANY,)	
)	
Defendant.)	
)	
<hr style="width: 45%; margin-left: 0;"/>		
WADE FARMS, WHITTINGTON & SUMNER FARMS, CLIFFORD F. DANCE, D/B/A CLIFFORD DANCE FARMS, and all others similarly situated,)	
)	
Plaintiffs,)	C.A. No. 06-600-SLR
)	
v.)	
)	
MONSANTO COMPANY,)	
)	
Defendant.)	

**MONSANTO’S MOTION TO QUASH PLAINTIFFS’ THIRD-PARTY SUBPOENA
TO FAEGRE & BENSON, LLP**

Pursuant to Federal Rules of Civil Procedure 26(c) and 45, Monsanto Company (“Monsanto”) hereby moves to quash Plaintiffs’ subpoena to Faegre & Benson, LLP (“Faegre”).

Plaintiffs issued a third-party subpoena to Faegre seeking the production of more than 1 million pages of Monsanto’s documents as well as pleadings, declarations, affidavits and experts reports that were previously produced/generated in two antitrust actions filed in 2000. Plaintiffs have also served a document request upon Monsanto seeking the *very same* documents.

The subpoena should be quashed in its entirety on the following grounds: (i) the documents and information sought are largely irrelevant to the instant action; (ii) Monsanto

has offered to produce records from the document production in those cases s scope of discovery agreed to in this action (e.g., date ranges, custodians and search term); (iii) plaintiffs subpoena is overbroad in terms of both the time period of the document sought and the types of materials sought; and (iv) the documents sought are covered by a protective order in those prior cases and should have been destroyed by Faegre long ago.

The grounds for this Motion are set forth in Monsanto's Memorandum in Support, filed contemporaneously herewith. A proposed form of Order is attached to this Motion for the Court's convenience.

Pursuant to Local Rule 7.1.1, counsel for Monsanto contacted counsel for Plaintiffs regarding this motion. Plaintiffs will oppose the motion.

Respectfully submitted,

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Dated: May 23, 2007
797412/30803

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CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on May 23, 2007, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading:

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I hereby certify that on May 23, 2007, I have sent by Electronically Mailed the foregoing document to the following:

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ORDER

Upon consideration of Defendant's Motion to Quash Plaintiffs' Third-Party Subpoena to Faegre & Benson LLP and Defendant's Memorandum in Support, this Court hereby ORDERS that the Defendant's Motion to Quash is hereby GRANTED pursuant to Federal Rule of Civil Procedure 26(c) and 45.

IT IS SO ORDERED THIS _____ DAY OF _____, 2007.

SUE L. ROBINSON
Chief Judge
U.S. District Court for the District of
Delaware